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**IN THE HONOURABLE SUPREME COURT OF PAKISTAN**  
**(Constitutional Jurisdiction)**

Crl.M.A. No. 199-K of 2018

In

**Criminal Original Petition No.7-K of 2016**

Mst. Sabiha Parveen..... Petitioner

Versus

Syed Nasir Abbas & Others..... Respondents

1. **Arif Hasan**  
Son of Khawaja Sarwar Hasan  
Muslim, Adult,  
Resident of 37-D, Miran Mohamed Shah Road,  
Mohammad Ali Housing Society,  
Karachi
2. **Mazhar ul Haq Siddiqui**  
Son of Qazi Imdad Ali Siddiqui  
Muslim, Adult,  
Resident of 46/II, Main Khayaban-e-Shamsheer,  
Phase V, D.H.A.,  
Karachi
3. **Sharmeen Obaid Chinoy**  
Wife of Fahad Kamal Chinoy  
Muslim, Adult,  
Resident of House No.30,  
Gray House, Clifton  
Karachi
4. **Faheem Zaman Khan**  
Son of Sultan Zaman Khan  
Muslim, Adult,  
Resident of House No.73/2, Khayaban-e-Ghazi,  
Phase 6, D.H.A.,  
Karachi
5. **Syed Yawar Abbas Jillani**  
Son of Syed Saleem Abbas Jillani  
Muslim, Adult,  
Resident of House No.2-C,  
Sunset Commercial Street No.4,  
Next to Masjid Bait us Salam,  
Behind K-Electric Head Office,  
Karachi
6. **Ramiz Baig**  
Son of Mirza Suleman Baig.  
Muslim, Adult,  
Resident of Flat No.FF-3, Building No.19-A,  
Seaview Apartments,

D.H.A., Phase 5 Extension,  
Karachi

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7. **Abdul Hamid Akhund**  
Son of A.G. Akhund,  
Muslim, Adult,  
Resident of C-107,  
Block 2, Clifton,  
Karachi
8. **Mohanlal**  
Son of Sajan Das Ochani,  
Hindu, Adult,  
Resident of 203/3, Bridge View Apartments,  
Frere Town, Clifton,  
Karachi
9. **Abro Badar Jamal**  
Son of Jamaluddin Abro,  
Muslim, Adult,  
Resident of Flat No.2, Plot No.3-C,  
Lane 10, Nishat Commercial Area,  
Phase 6, D.H.A.,  
Karachi.....Applicant Interveners

**APPLICATION UNDER ORDER 33, RULE 6, READ WITH, ORDER 5,  
RULE 2, SUPREME COURT RULES, 1980**

On behalf of the Applicant Interveners, it is most respectfully prayed that this Honourable Court may be pleased to implead the Applicant Interveners as respondents in the above titled case for the reasons as disclosed hereunder:

1. That the Applicant Interveners are nationally and internationally known Architects, Cultural, Social and Heritage Activists who have been involved in Urban Development, restoration of Heritage Buildings and works of monument conservation. The Applicant Intervener No.1 is well known for his documentary work in relation to the history of Karachi, developmental issues and process of social change in Pakistan. He has been awarded with Hilal-e-Imtiaz, by the Government of Pakistan, for his services to the cause of urban development and heritage issues. He is a member of Sindh Cultural Heritage Technical and Advisory Committees of the Culture Department of Government of Sindh. The Applicant Intervener No.2 is a well known Educationist who has twice remained the Vice Chancellor of University of Sindh and has served as a Secretary in various Departments of the

Government of Pakistan & Sindh. The Applicant Intervener No.3 is the only female director of Pakistan who has been awarded two Academy Awards by the age of 37. In the year, 2012, the Time's Magazine included her in the list of 100 most influential people of the world and in that same year the Government of Pakistan awarded her Hilal-e-Imtiaz. The Applicant Intervener No.4 is a Journalist. He is also a social and political activist involved in probing illegal encroachments in Karachi. The Applicant Intervener No.5 is a nationally and internationally known Architect. He has also remained on the Board of Governors of Indus Valley School of Art & Architecture and the National College of Arts. The Applicant Intervener No.6 is an Architect. He is also an Honorary Secretary of the Asian Congress of Architects and is a member of the Board of Governors of Indus Valley School of Art and Architecture. The Applicant Intervener No.7 is the Founder Director of Mohatta Palace Museum and many other cultural and literary bodies including the Sindh Archives and the Sindh Language Authority. He is actively involved in the restoration of heritage properties in the Province of Sindh, including but not limited to Karachi Press Club, Rani Kot Fort and Mian Ghulam Shah Kalhoru Monument. The Applicant Intervener No.8 possesses 50 years of experience in management and monitoring of works of monument conservation and specializes in condition survey and restoration of heritage buildings. He is presently working as a Project Director of Endowment Fund Trust for Preservation of the Heritage of Sindh and supervises various heritage conservation projects across the Province of Sindh. The Applicant Intervener No.9 is a Journalist, Historian and Researcher.

2. That it is most respectfully and most humbly submitted that the National Museum of Pakistan, Karachi was established in the year, 1951, in the historical building of Frere Hall and continued to be located there till July, 1969. Thereafter, the Government of Pakistan, realizing the importance of the National Museum and the shortage of space, constructed the present iconic

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building of the National Museum at Burnes Garden, Karachi, and shifted the National Museum to its present location in the year, 1970. It is important to mention here that since the year, 1948, the area of Burnes Garden has been under the possession of Department of Archaeology, Ministry of Education, Government of Pakistan, and other than the National Museum, there are huge lawns and open spaces which are open to the general public. It is further submitted that the National Museum's building was inaugurated by President Yahya Khan. The Museum Building was designed specifically to house rare and precious artefacts and manuscripts. It is a six storey building which consists of eleven galleries, including but not limited to galleries on Quran manuscripts, Islamic arts, late Harappa, Gandharan Civilization, Hindu artefacts and the freedom movement. The Museum has a collection of 58,000 old coins (some dating from 74 Al-Hijra), 10,000 historic manuscripts, 50,000 historic artefacts and 4,000 Gandharan artefacts. It is pertinent to mention here that the Museum Building has a special climate controlled room with an advanced fire suppression system to house valuable historic manuscripts and artefacts. Some of the notable artefacts in its collection include the Priest King Statue from Mohenjodaro, a Quran thought to be penned by the Abbasid calligrapher Yaqut from the thirteenth century and the Mansura bronze door knockers from the nineteenth century Sindh. Therefore, it is evident that the Museum represents a complete vista of Pakistan's Cultural Heritage from Stone Age down to the birth of Pakistan.

3. That it is most respectfully and most humbly submitted that in relation to encroachment over amenity plots in Karachi, including but not limited to public parks, Criminal Original Petition No.7-K of 2017, i.e. the present case, and Constitution Petition No.09/2010 are pending before this Honourable Court. Moreover, various Orders have been passed by this Honourable Court in the aforementioned cases regarding removal of all encroachments made over amenity plots in Karachi. However, it is important to mention here that on the basis of misunderstanding and misinformation provided to the

Honourable Supreme Court verbal directions were issued by this Honourable Court on 15-08-2018 regarding removal of all encroachments and illegal constructions in areas demarcated as Parks in Karachi including Burnes Garden. Pursuant to the aforementioned verbal Order, it has been decided by the Government of Sindh, Culture, Tourism and Antiquities Department that all the structures within the Burnes Garden, including the National Museum Building, be demolished.

4. That it is most respectfully and most humbly submitted that in light of the abovementioned verbal Order, various letters were written by the Applicant Interveners to the Government of Sindh and this Honourable Court requesting to stop the demolition of the National Museum Building. It is important to mention here that it has been highlighted in the aforementioned letters that the demolition of the Museum Building would badly affect over 50,000 precious objects and/or the treasure collected over a period of 70 years after huge investment of public funds as the National Museum Building is a purpose built building and no substitute building exists in Karachi. Moreover, demolition of the Museum Building would lead to destruction of Pakistan's cultural heritage and historical information and artefacts belonging to diverse civilizations that existed on the land that is Pakistan today, which in fact require to be preserved for posterity. Furthermore, the demolition of the Museum Building would also expose the rare and historical collection housed in the Museum to the risk of theft and/or being lost. Therefore, it is necessary that the Applicant Interveners are permitted to intervene and assist this Honourable Court in order to enable this Honourable Court to pass just and equitable Orders which have a direct and indirect impact upon Pakistan's historical and cultural heritage which reflects the identity of the public at large at the international level, the interests of the public at large as well as the Applicant Interveners.

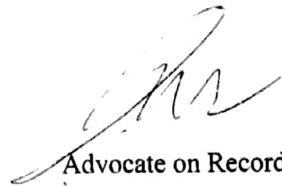
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5 That in view of the above, it is obvious and apparent that the Applicant Interveners are necessary and proper parties to this present case because, firstly, any Order passed in this present Petition will directly affect Pakistan's historical and cultural heritage and the Applicant Interveners have a vested interest in the preservation of the historic and cultural heritage. Secondly, the presence of the Applicant Interveners is necessary in order to enable this Honourable Court to pass just and equitable Orders which have direct and indirect affect upon Pakistan's historical and cultural heritage which reflects the identity of the public at large at the international level, the interests of the public at large as well as the Applicant Interveners.

**PRAYER**

In view of the above, it is most respectfully prayed that this Honourable Court may be pleased to implead the Applicant Interveners, as Respondents, in the present Petition in order to enable this Honourable Court to effectually and completely adjudicate upon and adjudicate all the questions involved in the present Petition.

Karachi

Dated: \_\_\_\_ .09.2018



Advocate on Record  
For the Applicant Interveners